

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ERIC BURKE, CRAIG BARKER,)
RICK CALTON, ARTHUR SALISBURY,)
WILLIAM CORY TANNER, BRIAN)
TANNER, TONY WEAVER, JASON)
ABLAN, CHRIS FAUST, FRANK)
ROBERTS, STEVE HAZELTON, JOHN)
FISHER AND RANDY SHERMAN)
on behalf of themselves and all others,)
similarly situated,)
)
Plaintiffs,)
)
v.)
)
BIMBO BAKERIES USA, INC., and,)
BIMBO BAKERIES DISTRIBUTION, LLC)
)
Defendants)

CIVIL ACTION. No. 5:19-CV-0902

**PLAINTIFFS' NOTICE OF MOTION TO DISMISS COUNTERCLAIMS AND
THIRD-PARTY COMPLAINTS**

PLEASE TAKE NOTICE that as set forth in the Court's Order dated February 11, 2020, Plaintiffs hereby provide Notice of their Motion to Dismiss Counterclaims and Third-Party Complaints under Rule 12(b)(6), with a Return Date of April 7, 2020, as previously established by the Court.

Respectfully submitted,

/s/ Harold L. Lichten

Harold L. Lichten, *pro hac vice*
Mathew W. Thomson, *pro hac vice*
Lichten & Liss-Riordan, P.C.
729 Boylston Street, Suite 2000
Boston, MA 02116
hlichten@llrlaw.com
mthomson@llrlaw.com

Samuel A. Alba, Esq.
FRIEDMAN & RANZENHOFER, P.C.
74 Main Street
PO Box 31
Akron, NY 14001
(716) 542-5444
sam@legalsurvival.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on February 18, 2020 using the CM/ECF filing system which I understand will send a notice of electronic filing to all parties of record through the Court's system.

Respectfully submitted,

/s/ Harold Lichten

Harold Lichten